

FEB 11 2015  
FBI - SAN ANTONIO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

2014 OCT -1 AM 11:47

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

CRIMINAL NO.: BY *CJ*

Plaintiff,

VS.

MIKE AYALA GARZA,

Defendant.

**SA 14 CR 0784 DAE**

§ [Ct 1: 18 U.S.C. §922(g)(1) Possession  
§ of a Firearm by a Convicted Felon;  
§ Ct 2: 21 U.S.C. §§841(a)(1) & (b)(1)(C)  
§ Possession with Intent to Distribute Heroin;  
§ Ct 3: 18 U.S.C. §924(c) Carrying Firearms  
§ During and in Relation to a Drug  
§ Trafficking Crime.]

THE GRAND JURY CHARGES:

**COUNT ONE**  
[18 U.S.C. § 922(g)(1)]

That on or about September 12, 2014, in the Western District of Texas, the Defendant,

**MIKE AYALA GARZA,**

who having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce, firearms, to-wit: a Smith and Wesson, model 581 Magnum, .357 caliber pistol, serial number AAH6623, a Sturm Ruger & Co, model Ruger P90DC, .45 caliber pistol, serial number 661-14179, and a Jimenez Arms, model JA 22, .22 caliber pistol, serial number 1206558; which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TWO**  
[21 U.S.C. §§ 841(a)(1) & (b)(1)(C)]

That on or about September 12, 2014, in the Western District of Texas, Defendant,

**MIKE AYALA GARZA,**

did unlawfully, knowingly, and intentionally possess with intent to distribute a controlled substance, which offense involved less than 100 grams of heroin, a Schedule I Controlled

Substance, in violation of Title 21, United States Code, Sections 841(a)(1) & 841(b)(1)(C).

**COUNT THREE**  
[18 U.S.C. § 924(c)]

That on or about September 12, 2014, in the Western District of Texas, Defendant,

**MIKE AYALA GARZA,**

did knowingly use and carry firearms, to wit: a Smith and Wesson, model 581 Magnum, .357 caliber pistol, serial number AAH6623, a Sturm Ruger & Co, model Ruger P90DC, .45 caliber pistol, serial number 661-14179, and a Jimenez Arms, model JA 22, .22 caliber pistol, serial number 1206558, during and in relation to, and did possess said firearm in furtherance of, a drug trafficking crime that may be prosecuted in a court of the United States, that is Possession with Intent to Distribute less than 100 grams of heroin, in violation of 21 United States Code §§841(a)(1) & (b)(1)(C), as further described in Count Two, in violation of Title 18, United States Code, Section 924(c).

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**  
[See Fed. R. Crim. P. 32.2]

I.

**Firearms Violations and Forfeiture Statutes**

**[Title 18 U.S.C. §§ 922(g)(1) and 924(c), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)].**

As a result of the foregoing criminal violations set forth in Counts One and Three, the United States of America gives notice to Defendant **MIKE AYALA GARZA**, of its intent to seek the forfeiture of the below described property upon conviction and pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states the following:

**Title 18 U.S.C. § 924. Penalties**

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922, . . . or knowing violation of section 924, . . . shall be subject to seizure and forfeiture . . .

II.

**Controlled Substances Violation and Forfeiture Statutes**

[Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), subject to forfeiture pursuant to Title 21 U.S.C. §§ 853(a)(1) and (2)].

As a result of the foregoing criminal violations set forth in Count Two, the United States of America gives notice to Defendant **MIKE AYALA GARZA**, of its intent to seek the forfeiture of the below described property upon conviction and pursuant to Title 21 U.S.C. §§ 853(a)(1) and (2), which state the following:

**Title 21 U.S.C. § 853. Criminal forfeitures**

**(a) Property subject to criminal forfeiture**

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States . . .

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

This Notice of Demand for Forfeiture includes, but is not limited to, the following properties described below in paragraph III.

III.

**Personal Properties**

- 1) Smith and Wesson, model 581 Magnum, .357 caliber pistol, serial number AAH6623;
- 2) Sturm Ruger & Co., model Ruger P90DC, .45 caliber pistol, serial number 661-14179;
- 3) Jimenez Arms, model JA 22, .22 caliber pistol, serial number 1206558; and
- 4) Any and all assorted ammunition.

A TRUE BILL

  
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FOREPERSON OF THE GRAND JURY

ROBERT PITMAN  
UNITED STATES ATTORNEY

BY:   
\_\_\_\_\_  
SARAH WANNARKA  
Assistant United States Attorney